

MARK - UP

ARKANSAS DEPARTMENT OF PARKS AND TOURISM DIVISION OF STATE PARKS

August 21, 2003

Park Directive 3070

FIREARMS, EXPLOSIVES, AND FIREWORKS

I. USE OF FIREARMS - The public display of any firearm is prohibited.

- A. Persons displaying or discharging firearms may be ejected from the park (see exceptions in Section III and IV); and/or
- B. Firearms may be confiscated (with a receipt given) to be returned to owner upon departure from the park; and /or
- C. **Unlawful use and/or careless handling will result in criminal arrest and prosecution.**

II. CONCEALED HANDGUNS

Act 1110 of 2003 was enacted to permit persons to carry a concealed handgun into a public park. Section 1 addresses places in which concealed handguns are not allowed. Among the list of places are “any building wherein a state office is located” and “schools”. See also Arkansas Statute 5-73-306.

A. For Arkansas State Parks, these buildings include:

The Bladesmith School at Old Washington
DeGray Lake Resort Lodge and Convention Center
Maintenance Buildings
Marina Sales Offices
Mather Lodge
Museum Buildings with Offices
Ozark Folk Center Lodge Office and Recreation Room, Gift Shop
All Restaurants / Cafes
Queen Wilhelmina Lodge
Visitor Information Centers.

- B. Signs or decals will be posted at the locations listed above indicating that “carrying of a handgun is prohibited”. These will be distributed by the Manager of Operations.
- C. Persons carrying a concealed handgun must keep it secure and out of sight and must also have in possession the license as well as valid photo identification. The license must be made available to law enforcement officers upon request (Arkansas Statute 5-73-315).

III. SPORTS / HUNTING FIREARMS

Persons “on a journey” may have firearms on state property (Arkansas Statute 5-73-120). However; while on state park / museum property, the firearms must be kept unloaded and in a locking device, or in a locked vehicle at all times.

The only exception to this rule will be during specified hunting seasons and in designated hunting areas at Hobbs State Park – Conservation Area under cooperative management agreement with the Arkansas Game and Fish Commission.

IV. SHOOTING RANGES

The Department currently operates shooting ranges at Hobbs State Park – Conservation Area and the Ozark Folk Center. Firearms and related ammunition are allowed on these ranges, but firearms must be unloaded upon entry and departure from these sites.

- A. Ranges operate under National Rifle Association Range Safety Guidelines and/or National Muzzle Loading Rifle Association guidelines. Rules approved by the Manager of Operations will be posted at each location. Compliance with all range rules is mandatory.
- B. Shooting clubs hosting events or law enforcement agencies during qualifications will designate a chief range officer (and assistant range officers as appropriate) to maintain a safe and efficient shooting environment.
- C. Abuse or violation of range rules will be sufficient reason for park management staff to suspend clubs, groups, or individuals from the shooting range. Those suspended will only be reinstated upon approval of the Manager of Operations or State Parks Director.

V. EXPLOSIVES

The use of explosives of any type is prohibited within state park / museum properties.
For construction purposes, special permission for the use of explosives must be obtained from the State Parks Director or Manager of Operations.

VI. FIREWORKS

To celebrate some national holidays and in conjunction with special events, fireworks programs or special events may be established at a park / museum.

However, due to the danger of bodily harm, especially to children, the danger of starting grass fires, and the noise and disturbance to park visitors, the Department of Parks and Tourism prohibits the individual use and display of all types of fireworks. In addition, the sale of fireworks is prohibited in any park /museum store or any concessions inside park / museum boundaries.

Any use of fireworks within the park after a warning is given will result in the confiscation of the items.

Replaces PD 3070 dated July 1, 1975, and
PD 3070.1 dated August 27, 1987

APPROVED BY: _____
GREG BUTTS, DIRECTOR
Arkansas State Parks

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Parks and Tourism
DIVISION Arkansas State Parks
DIVISION DIRECTOR Greg Butts
CONTACT PERSON Sandy Burch
ADDRESS One Capitol Mall, Little Rock, AR 72201
PHONE NO. 682-6918 **FAX NO.** 682-1864 **E-MAIL** sandy.burch@mail.state.ar.us

INSTRUCTIONS

- A.** Please make copies of this form for future use.
- B.** Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C.** If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D.** Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule?
Firearms, Explosives, and Fireworks
- 2. What is the subject of the proposed rule?
Firearms, explosives and fireworks in state parks.
- 3. Is this rule required to comply with federal statute or regulations? Yes _____ No **XXX**
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No **XXX**

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No **XXX** If yes, please provide a brief summary explaining the regulation.
- Does this repeal an existing rule? Yes _____ No _____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
- Is this an amendment to an existing rule? Yes **XXX** No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."
6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.
Arkansas Code #22-4-305, #22-4-310, Act 170 of 1937, etc.
7. What is the purpose of this proposed rule? Why is it necessary?
To regulate the possession and use of firearms, explosives and fireworks in state parks.
8. Will a public hearing be held on this proposed rule? Yes **XXX** No _____
If yes, please complete the following:
Date: **October 16, 2003**
Time: **2:30 p.m.**
Place: **Old Washington Historic State Park, 1914 Washington Public School, 700 NE Conway St., Washington, Arkansas 71862**
9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
After comments are presented on October 16, 2003
10. What is the proposed effective date of this proposed rule? (Must provide a date.)
December 1, 2003
11. Do you expect this rule to be controversial? Yes _____ No **XXX** If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
No groups or individuals have been contacted. All visitors of Arkansas State Parks and State Park Museums are affected by the proposal; therefore, a legal notice will be published In the Arkansas Democrat-Gazette from September 14 through September 16, 2003.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Parks & Tourism

DIVISION Arkansas State Parks

PERSON COMPLETING THIS STATEMENT Greg Butts, Director

TELEPHONE NO. 682-7743 **FAX NO.** 682-1364 **EMAIL:** greg.butts@mail.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Firearms, Explosives and Fireworks

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes **XXX** No _____
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Not applicable

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ (0)

\$ (0)

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5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

Next Fiscal Year

\$ (0)

\$ (0)